

**TOWN OF FREDERICK, COLORADO  
RESOLUTION NO. 08R051**

**A RESOLUTION REGARDING THE REVIEW OF THE  
CONCURRENT SKETCH/PRELIMINARY PLAT AND  
PRELIMINARY DEVELOPMENT PLAN OF WATER'S EDGE,  
AND ADOPTING CERTAIN FINDINGS OF FACT AND  
CONCLUSIONS FAVORABLE TO THE CONCURRENT  
SKETCH/PRELIMINARY PLAT AND PRELIMINARY  
DEVELOPMENT PLAN.**

**WHEREAS**, the Board of Trustees of the Town of Frederick, Colorado, on August 12<sup>th</sup>, 2008, reviewed the application of Pineneedle Development, LLC, Jim Sell, 730 29<sup>th</sup> St., Boulder, CO 80303, for the Concurrent Sketch/Preliminary Plat and Preliminary Development Plan of the following real property, to wit

**A TRACT OF LAND LOCATED in the S1/2 of Section 24, T2N,  
R68W of the 6th P.M., County of Weld, State of Colorado More  
particularly described in Exhibit A (attached hereto and incorporated  
herein).**

**BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF  
FREDERICK, COLORADO, AS FOLLOWS:**

**Section 1. Findings of Fact.** The following findings are made by the Board of Trustees of the Town of Frederick, after due consideration of the recommendations made by the Planning Commission:

- a. The applicant's application and supporting documents are in substantial compliance with *Article 4, Subdivision Regulations*, of the *Frederick Land Use Code*.
- b. The Concurrent Sketch/Preliminary Plat and Preliminary Development Plan are compatible with adjacent land uses and conform with the requirements and standards established in *Article 4, Subdivision Regulations*, of the *Frederick Land Use Code*.
- c. The Concurrent Sketch/Preliminary Plat and Preliminary Development Plan as proposed preserves the health, safety, welfare and interest of the citizens of the Town of Frederick, Colorado.


**Section 2. Conclusions and Order Approving the Concurrent  
Sketch/Preliminary Plat and Preliminary Development Plan of Water's Edge.**

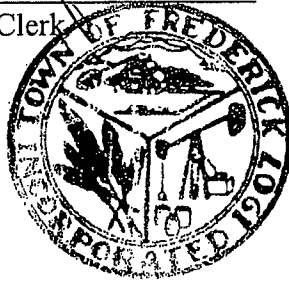
- a. That the proposed Water's Edge complies with the applicable sections of *Article 4, Subdivision Regulations*, of the *Frederick Land Use Code*.

- b. That a detailed Memorandum of Agreement for Public Improvements (MOAPI) shall be prepared and signed before the final plat is recorded.
- c. That the following conditions shall be met by the Developer before Water's Edge is to be considered for a Final Plat. The Conditions include but are not limited to:
  - 1. If recreational improvements and functional recreational landscaping are within the minimum required 150 foot setback to the existing and proposed oil and gas wells, there shall be a surface use agreement(s) with the oil and gas company permitting that use.
  - 2. The location of the raw waterline easement shall be finalized at the time of Final Plat.
  - 3. The final development plan shall provide only for single-story buildings within the R-2 zone of Tract J, extending from the trail connection to Fox Run along the north, northeast portion of the property eastward and along the shared boundary with Milavec Lake.
- d. The proposed Concurrent Sketch/Preliminary Plat and Preliminary Development Plan of Water's Edge, subject to the above conditions, should be granted approval.
- e. In conformance with Section 4.7(4) (c) of the *Frederick Land Use Code*, the approval of the Concurrent Sketch/Preliminary Plat and Preliminary Development Plan is further conditioned that said approval of the Concurrent Sketch/Preliminary Plat and Preliminary Development Plan shall not constitute approval of any detailed design or engineering submittals or proposed solutions to specific problems revealed in the review process; and that failure to proceed with the Final Plat in accordance with 4.9 of the *Frederick Land Use Code* within twelve (12) months of the date of this approval shall require the applicant to commence the Concurrent Sketch/Preliminary Plat review procedure again, provided, however, that for good cause shown, the Board of Trustees may extend the time period for filing a Final Plat.

INTRODUCED, READ, PASSED, AND SIGNED THIS 12<sup>th</sup> DAY OF  
AUGUST, 2008.

ATTEST:

By   
Nanette S. Fornof, Town Clerk



TOWN OF FREDERICK


By   
Eric E. Doering, Mayor

EXHIBIT A  
**LEGAL DESCRIPTION**

A TRACT OF LAND LOCATED IN THE S1/2 OF SECTION 24, T2N, R68W OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 24, THENCE S89°53'29"E, 1970.00 FEET ALONG THE SOUTH LINE OF THE SW1/4 OF SAID SECTION 24 TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING S89°53'29"E, 670.57 FEET ALONG THE SOUTH LINE OF THE SW1/4 OF SAID SECTION 24 TO THE S1/4 CORNER OF SAID SECTION 24;

THENCE S89°56'51"E, 1030.84 FEET ALONG THE SOUTH LINE OF THE SE1/4 OF SAID SECTION 24;

THENCE N04°41'05"W, 1162.47 FEET;

THENCE N88°52'56"W, 137.77 FEET;

THENCE N29°26'31"W, 496.53 FEET;

THENCE N05°55'00"W, 738.90 FEET;

THENCE N27°02'22"W, 354.79 FEET TO THE NORTH LINE OF THE SE1/4 OF SAID SECTION 24;

THENCE N89°51'03"W, 313.37 FEET ALONG THE NORTH LINE OF THE SE1/4 OF SAID SECTION 24 TO THE CENTER OF SAID SECTION 24;

THENCE N89°51'37"W, 954.57 FEET ALONG THE NORTH LINE OF THE SW1/4 OF SAID SECTION 24 TO THE NORTHEAST CORNER OF AMENDED FINAL PLAT OF SUMMIT VIEW ESTATES SECOND FILING REPLAT, AS RECORDED DECEMBER 11, 2000 AT RECEPTION NO. 2812397;

THE FOLLOWING COURSES AND DISTANCES ARE ALONG THE EASTERLY LINE OF SAID AMENDED FINAL PLAT OF SUMMIT VIEW ESTATES SECOND FILING REPLAT:

THENCE S40°22'56"E, 141.34 FEET;

THENCE S29°28'30"E, 49.69 FEET;

THENCE S15°41'53"E 70.21 FEET;

THENCE S07°01'59"E, 240.25 FEET;

THENCE S08°42'34"E, 171.97 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE SOUTHERLY, 167.96 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 338.76 FEET, A CENTRAL ANGLE OF 28°24'26" AND BEING SUBTENDED BY A CHORD THAT BEARS S05°29'38"W, 166.24 FEET;

THENCE S19°41'51"W, 565.70 FEET ALONG THE EASTERLY LINE OF SAID AMENDED FINAL PLAT OF SUMMIT VIEW ESTATES SECOND FILING REPLAT AND ALONG THE EASTERLY LINE OF OUTLOT A IN SUMMIT VIEW ESTATES SECOND FILING AS RECORDED SEPTEMBER 7, 1999 AT RECEPTION NO. 2881771 OF THE RECORDS OF WELD COUNTY, COLORADO, TO THE SOUTHEAST CORNER OF SAID OUTLOT A, A POINT ON THE NORTH LINE OF THE SOUTH 1320.00 FEET OF THE SW1/4 OF SAID SECTION 24;

THENCE, LEAVING THE EAST LINE OF SAID OUTLOT A, S89°53'29"E, 299.35 FEET ALONG THE NORTH LINE OF THE SOUTH 1320.00 FEET OF THE SW1/4 OF SAID SECTION 24 TO A POINT FROM WHICH THE TRUE POINT OF BEGINNING BEARS S00°06'31"W;

THENCE S00°06'31"W, 1320.00 FEET TO THE TRUE POINT OF BEGINNING.